IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2140 OF 2005

Sakharam Ramchandra Kasbe ... Petitioner

V/s.

Madina Yasin Shaikh ... Respondent

Mr.K.K. Pandey for Petitioner
Mr.A.H. Nanavati for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 28, 2005**

P.C.:

. The Petition challenges the order passed by the trial Court on 30.8.2004 refusing to review an order passed by it on 24.2.1994, i.e., 10 years earlier. The appeal filed from the order dated 30.8.2004 has also been dismissed. Both these orders are challenged in the present Petition.

2. Both the Courts below have found that the review is not maintainable and, therefore, the Interim Notice No.904 of 1995 taken out by the Petitioner has been discharged. There is no dispute that the order dated 24.2.1994 striking off the defences of the defendant-Petitioner has not been challenged by prosecuting the remedy of filing an appeal. All that the petitioner has done is to file a review which is not

maintainable as held by both the Courts below.

3. I see no reason to interfere with the orders challenged under Article 227 of the Constitution of India. Writ Petition is dismissed accordingly.